

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VANESSA DUXANE VALDIGLESIAS-  
LAVALLE,

Petitioner,

v.

CHARLOTTE HEADLEY,

Respondent.

CASE NO. 2:24-CV-2114-DGE-DWC

ORDER DENYING MOTION FOR  
COUNSEL

This federal habeas action has been referred to United States Magistrate Judge David W. Christel. Currently before the Court is Petitioner Vanessa Duxane Valdiglesias-Lavalle's Motion to Appoint Counsel. Dkt. 11.

There is no right appointed counsel in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rules"), Rules 6(a) and 8(c). The Court may appoint counsel "at any stage of the case if the interest of justice so

1 require.” *Weygandt*, 718 F.2d at 954. In deciding whether to appoint counsel, the Court “must  
2 evaluate the likelihood of success on the merits as well as the ability of the petitioner to  
3 articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Id.*

4 Here, the Court cannot evaluate the likelihood of success on the merits as Petitioner has  
5 not filed a federal habeas petition complying with the Habeas Rules. *See* Dkts. 7, 12. Thus, the  
6 Petitioner has failed at this time to meet the burden of showing that the interests of justice  
7 require appointment of counsel.

8 As Petitioner has not shown appointment of counsel is appropriate, the Motion to  
9 Appoint Counsel (Dkt. 11) is denied without prejudice.

10 Dated this 25th day of March, 2025.

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13 David W. Christel  
14 United States Magistrate Judge  
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